

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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IRON WORKERS' LOCAL NO. 25 PENSION  
FUND, et al.,

Plaintiffs,

v.

Case No. 07-CV-11769-DT

MUNICIPAL AND INDUSTRIAL STORAGE,  
INC., et al.,

Defendants.

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**ORDER IMPOSING COSTS AND  
RE-SETTING SCHEDULING CONFERENCE**

On May 24, 2006, the court issued a "Notice to Appear" for a scheduling conference to occur on June 6, 2007. The notice was electronically filed, and on June 6, 2007, Plaintiffs' attorney appeared for the conference. Defendants' attorney, however, did not appear. The court's case manager contacted defense counsel's secretary, who explained that counsel had recently changed addresses and thus did not receive the court's ECF notification of the scheduling conference. Pursuant to the court's local rules, it is counsel's responsibility to notify the court promptly when any information on his ECF registration changes. See E.D. Mich. ECF R3(c). "Service upon an obsolete e-mail address will constitute valid service if the user has not notified the Court of a new e-mail address." *Id.* The court has authority under both the local rules and the Federal Rules of Civil Procedure to sanction, including imposing reasonable costs, an attorney for failure to appear at a duly-noticed conference. See E.D. Mich. LR 16.1(d); see also Fed. R. Civ. P. 16(f). Accordingly,

IT IS ORDERED that Defendants' attorney shall pay for Plaintiffs' reasonable attorney fees which were incurred as a result of counsel's failure to appear at the June 6, 2007 scheduling conference. Plaintiffs' counsel shall present his reasonable bill of fees to Defendants' counsel within seven (7) days of the date of this order and, barring any objections, Defendants' counsel shall pay the amount within seven (7) days thereafter.

IT IS FURTHER ORDERED that the court will conduct a scheduling conference on **June 27, 2007 at 11:00 a.m.** The court will inquire at the scheduling conference as to whether Plaintiffs' attorney fees have been paid, and if not, the court will hear and resolve any objections on the record at that time.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 13, 2007

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 13, 2007, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522